



# ***COMMONWEALTH of VIRGINIA***

## ***DEPARTMENT OF ENVIRONMENTAL QUALITY***

Permit No. VA0025437

Effective Date: **To be determined**  
Expiration Date: **To be determined**

AUTHORIZATION TO DISCHARGE UNDER THE  
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
AND  
THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, and Parts I and II of this permit as set forth herein.

Owner:	South Central Wastewater Authority
Facility Name:	South Central Wastewater Authority
City:	Petersburg
Facility Location:	900 Magazine Road, Petersburg, Virginia 23803

The owner is authorized to discharge to the following receiving stream:

Stream:	Appomattox River
River Basin:	James River (Lower)
River Subbasin:	Appomattox River
Section:	5
Class:	II
Special Standards:	None

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Deputy Regional Director, Piedmont Regional Office

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Date

A. Effluent Limitations and Monitoring Requirements

1. During the period beginning with the permit's effective date and lasting until January 1<sup>st</sup> following the year in which the Certificate to Operate installed nutrient removal technology is issued or until permit expiration, whichever comes first, the permittee is authorized to discharge from Outfall 001.

- a. The discharge shall be limited and monitored as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	MONTHLY AVERAGE		WEEKLY AVERAGE		MINIMUM	MAXIMUM	FREQUENCY <sup>(8)</sup>	SAMPLE TYPE
001 – Flow (MGD) <sup>(1) (3)</sup>	NL		NA		NA	NL	Continuous	TIRE
002 – pH (standard units)	NA		NA		6.0	9.0	1 per Day	Grab
004 – Total Suspended Solids	30 mg/L <sup>(4)</sup>	2600 kg/d <sup>(4)</sup>	45 mg/L	3900 kg/d <sup>(4)</sup>	NA	NA	1 per Month	24 HC
005 – Total Residual Chlorine <sup>(2)</sup>	0.016 mg/L		0.017 mg/L		NA	NA	1 per 2 Hours	Grab
007 – Dissolved Oxygen	NA		NA		5.0 mg/L	NA	1 per Day	Grab
012 – Total Phosphorus <sup>(5)</sup>	2.0 mg/L		NA		NA	NA	2 per Month	24 HC
069 – Ammonia as N, November – May	7.52 mg/L	655 kg/d	9.52 mg/L	829 kg/d	NA	NA	1 Day per Week	24 HC
120 – <i>E. coli</i>	126 N/100 mL (geometric mean)		NA		NA	NA	4 per Month <sup>(6)</sup> (10am – 4pm)	Grab
159 – Five Day Carbonaceous Biochemical Oxygen Demand (cBOD <sub>5</sub> )	15 mg/L	1271 kg/d	22 mg/L	1906 kg/d	NA	NA	2 Days per Week	24 HC
318 – Ammonia as N, June – October	4.17 mg/L	363 kg/d	6.05 mg/L	527 kg/d	NA	NA	1 Day per Week	24 HC
380 – Chronic Whole Effluent Toxicity <sup>(9)</sup>	NA		NA		NA	3.8 TU <sub>c</sub>	1 per Quarter <sup>(7)</sup>	24 HC

“NL” means no limitation is established; however, monitoring and reporting are required. “NA” means not applicable. “24 HC” means 24-hour composite.

- (1) The design flow of this treatment facility is 23.00 MGD. Totalizing, indicating, and recording equipment (TIRE) shall be used to monitor flows.

- (2) See Part I.B for additional total residual chlorine (TRC) requirements.
  - (3) See Part I.C.1 for additional flow requirements.
  - (4) Limitations are expressed in two (2) significant figures.
  - (5) In addition to any Total Nitrogen or Total Phosphorus concentration limits (or monitoring requirements without associated limits) listed above, this facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN040087, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia.
  - (6) "4 per Month" means samples collected between 10 a.m. and 4 p.m. during four (4) separate weeks of each calendar month.
  - (7) "1 per Quarter" means one sample taken every three months, in accordance with the following schedule: 1<sup>st</sup> Quarter (January 1 – March 31, to be reported on the DMR due no later than April 10<sup>th</sup> of each year); 2<sup>nd</sup> Quarter (April 1 – June 30, to be reported on the DMR due no later than July 10<sup>th</sup> of each year); 3<sup>rd</sup> Quarter (July 1 – September 30, to be reported on the DMR due no later than October 10<sup>th</sup> of each year); 4<sup>th</sup> Quarter (October 1 – December 31, to be reported on the DMR due no later than January 10<sup>th</sup> of each year).
  - (8) See Part I.C.13 for additional instructions regarding effluent monitoring frequencies.
  - (9) See Part I.E for additional whole effluent toxicity (WET) requirements. See Part I.H for schedule of compliance.
- b. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- c. Effluent samples shall be collected after the last treatment unit.
- d. At least 85% removal for BOD<sub>5</sub> and TSS must be obtained for this effluent.

A. Effluent Limitations and Monitoring Requirements

2. During the period beginning January 1<sup>st</sup> following the year in which the Certificate to Operate installed nutrient removal technology is issued and lasting until permit expiration, the permittee is authorized to discharge from Outfall 001.

- a. The discharge shall be limited and monitored as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	MONTHLY AVERAGE		WEEKLY AVERAGE		MINIMUM	MAXIMUM	FREQUENCY <sup>(10)</sup>	SAMPLE TYPE
001 – Flow (MGD) <sup>(1) (3)</sup>	NL		NA		NA	NL	Continuous	TIRE
002 – pH (standard units)	NA		NA		6.0	9.0	1 per Day	Grab
004 – Total Suspended Solids <sup>(4)</sup>	30 mg/L <sup>(4)</sup>	2600 kg/d <sup>(4)</sup>	45 mg/L	3900 kg/d <sup>(4)</sup>	NA	NA	1 per Month	24 HC
005 – Total Residual Chlorine <sup>(2)</sup>	0.016 mg/L		0.017 mg/L		NA	NA	1 per 2 Hours	Grab
007 – Dissolved Oxygen	NA		NA		6.0 mg/L	NA	1 per Day	Grab
069 – Ammonia as N, November – May	7.52 mg/L	655 kg/d	9.52 mg/L	829 kg/d	NA	NA	1 Day per Week	24 HC
120 – <i>E. coli</i>	126 N/100 mL (geometric mean)		NA		NA	NA	4 per Month <sup>(7)</sup> (10am – 4pm)	Grab
159 – Five Day Carbonaceous Biochemical Oxygen Demand (cBOD <sub>5</sub> )	15 mg/L	1271 kg/d	22 mg/L	1906 kg/d	NA	NA	2 Days per Week	24 HC
318 – Ammonia as N, June – October	4.17 mg/L	363 kg/d	6.05 mg/L	527 kg/d	NA	NA	1 Day per Week	24 HC
380 – Chronic Whole Effluent Toxicity <sup>(9)</sup>	NA		NA		NA	3.8 TU <sub>c</sub>	1 per Quarter <sup>(8)</sup>	24 HC
792 – Total Nitrogen, Calendar Year Average <sup>(5) (6)</sup>	5.0 mg/L		NA		NA	NA	1 per Year	Calculated
794 – Total Phosphorus, Calendar Year Average <sup>(5) (6)</sup>	0.50 mg/L		NA		NA	NA	1 per Year	Calculated
805 – Total Nitrogen, Calendar Year-to-Date (mg/L) <sup>(5) (6)</sup>	NL		NA		NA	NA	1 per Month	Calculated

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	WEEKLY AVERAGE	MINIMUM	MAXIMUM	FREQUENCY <sup>(10)</sup>	SAMPLE TYPE
806 – Total Phosphorus, <sup>(5)</sup> <sup>(6)</sup> Calendar Year-to-Date (mg/L)	NL	NA	NA	NA	1 per Month	Calculated

“NL” means no limitation is established; however, monitoring and reporting are required. “NA” means not applicable. “24 HC” means 24-hour composite.

- (1) The design flow of this treatment facility is 23.00 MGD. Totalizing, indicating, and recording equipment (TIRE) shall be used to monitor flows.
  - (2) See Part I.B for additional total residual chlorine (TRC) requirements.
  - (3) See Part I.C.1 for additional flow requirements.
  - (4) Limitations are expressed in two (2) significant figures.
  - (5) In addition to any Total Nitrogen or Total Phosphorus concentration limits (or monitoring requirements without associated limits) listed above, this facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN040087, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia.
  - (6) See Part I.C.10 and Part I.C.11 for Nutrient Reporting requirements.
  - (7) “4 per Month” means samples collected between 10 a.m. and 4 p.m. during four (4) separate weeks of each calendar month.
  - (8) “1 per Quarter” means one sample taken every three months, in accordance with the following schedule: 1<sup>st</sup> Quarter (January 1 – March 31, to be reported on the DMR due no later than April 10<sup>th</sup> of each year); 2<sup>nd</sup> Quarter (April 1 – June 30, to be reported on the DMR due no later than July 10<sup>th</sup> of each year); 3<sup>rd</sup> Quarter (July 1 – September 30, to be reported on the DMR due no later than October 10<sup>th</sup> of each year); 4<sup>th</sup> Quarter (October 1 – December 31, to be reported on the DMR due no later than January 10<sup>th</sup> of each year).
  - (9) See Part I.E for additional whole effluent toxicity (WET) requirements. See Part I.H for schedule of compliance.
  - (10) See Part I.C.13 for additional instructions regarding effluent monitoring frequencies.
- b. There shall be no discharge of floating solids or visible foam in other than trace amounts.
  - c. Effluent samples shall be collected after the last treatment unit.
  - d. At least 85% removal for BOD<sub>5</sub> and TSS must be obtained for this effluent.

B. Additional Total Residual Chlorine Limitations and Monitoring Requirements

1. The permittee shall monitor the TRC at the outlet of each operating chlorine contact tank twelve (12) times per day at two (2) hour intervals by grab sample.
2. No more than thirty-six (36) of all samples taken at the outlet of each operating chlorine contact tank shall be less than 1.0 mg/L for any one calendar month (DMR parameter 157).
3. No TRC sample collected at the outlet of each operating chlorine contact tank shall be less than 0.60 mg/L (DMR parameter 213).
4. If dechlorination facilities exist, the samples above shall be collected prior to dechlorination.
5. If chlorine disinfection is not used, then *E. coli* (DMR parameter 120) shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	MONTHLY AVERAGE	FREQUENCY	SAMPLE TYPE
<i>E. coli</i> (120)	126 N/100 mL (geometric mean)	1 per Day (10am – 4pm)	Grab

This *E. coli* requirement, if applicable, shall substitute for the TRC and *E. coli* requirements delineated elsewhere in Part I of this permit.

C. Other Requirements and Special Conditions

1. **95% Capacity Reopener**

A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to DEQ Piedmont Regional Office when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the DEQ Piedmont regional Office no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

2. **Indirect Dischargers**

The permittee shall provide adequate notice to the DEQ Piedmont Regional Office of the following:

- a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of the Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

3. **CTC, CTO Requirement**

The permittee shall, in accordance with the DEQ Sewage Collection and Treatment Regulation (9VAC25-790), obtain a Certificate to Construct (CTC), and a Certificate to Operate (CTO) from the DEQ Office of Wastewater Engineering (for Water Quality Improvement Funded (WQIF) projects) or submitted by the design engineer and owner to the DEQ regional water permit manager (for non WQIF projects) prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.

Upon issuance of a CTC for nutrient control technology, DEQ staff shall initiate modification, or alternately, revocation and reissuance, of this permit, to include annual concentration limits based on the nutrient removal technology listed in the CTC. Upon issuance of a CTO, any nutrient removal facilities installed shall be operated to achieve design effluent Total Nitrogen and Total Phosphorus concentrations.

4. **Operation and Maintenance Manual Requirement**

The permittee shall review the existing Operations and Maintenance (O&M) Manual and notify the DEQ Piedmont Regional Office in writing within 90 days of the effective date of this permit whether it is still accurate and complete. If the O&M Manual is no longer accurate and complete, a revised O&M Manual shall be submitted for approval to the DEQ Piedmont Regional Office within 90 days of the effective date of this permit. The permittee will maintain an accurate, approved operation and maintenance manual for the treatment works. This manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of the permit. The permittee shall operate the treatment works in accordance with the approved O&M Manual. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a. Techniques to be employed in the collection, preservation, and analysis of effluent (and sludge samples if sludge analyses are required);
- b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
- c. Discussion of Best Management Practices, if applicable;
- d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants that will prevent these materials from reaching state waters;
- e. Treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping; and,
- f. A plan for the management and/or disposal of waste solids and residues.

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for DEQ Piedmont Regional Office staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O&M Manual shall be deemed a violation of the permit.

5. **Materials Handling/Storage**

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner and consistent with Best Management Practices so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized.

6. **Licensed Operator Requirement**

The permittee shall employ or contract at least one Class I licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. The permittee shall notify the Department in writing whenever he is not

complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

7. **Reliability Class**

The permitted treatment works shall meet Reliability Class I.

8. **Reopeners**

This permit shall be modified or alternatively revoked and reissued:

- a. If any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements;
- b. To incorporate technology-based effluent concentration limitations for nutrients in conjunction with the installation of nutrient control technology, whether by new construction, expansion or upgrade; or
- c. To incorporate alternative nutrient limitations and/or monitoring requirements, should:
  - i. the State Water Control Board adopt new nutrient standards for the water body receiving the discharge, including the Chesapeake Bay or its tributaries, or
  - ii. a future water quality regulation or statute require new or alternative nutrient control.

9. **Compliance Reporting**

- a. The quantification levels (QL) shall be less than or equal to the following concentrations:

<u>Effluent Parameter</u>	<u>Quantification Level</u>
cBOD <sub>5</sub>	2 mg/L
Total Suspended Solids	1.0 mg/L
Total Residual Chlorine	0.10 mg/L
Ammonia as N	0.20 mg/L

The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained. The permittee shall use any method in accordance with Part II.A of this permit.

- b. Monthly Average – Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported monthly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities.



Weekly Average – Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in subsection a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the weekly average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported weekly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the maximum weekly average of the calculated daily quantities.

- c. Single Datum – Any single datum required shall be reported as "<QL" if it is less than the QL used for the analysis (QL must be less than or equal to the QL listed in a. above). Otherwise the numerical value shall be reported.
- d. Significant Digits – The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

#### 10. **Nutrient Reporting Calculations**

The reporting calculations below shall be performed using the concentration monitoring required by the Nutrient (Watershed) General Permit, VAN040087.

For each calendar month, the DMR shall show the calendar year-to-date average concentrations (mg/L) calculated in accordance with the following formulae:

$$AC_{avg-YTD} = ( \sum_{(Jan-current\ month)} MC_{avg} ) \div ( \# \text{ of months} )$$

where:

$AC_{avg-YTD}$  = calendar year-to-date average concentration (mg/L) (parameter codes 805 and 806)

$MC_{avg}$  = monthly average concentration (mg/L) as reported on the Nutrient General Permit DMR

The total nitrogen and phosphorus average concentrations (mg/L) for each calendar year (AC) shall be shown on the December DMR due no later than January 10th of the following year. These values shall be calculated in accordance with the following formulae:

$$AC_{avg} = ( \sum_{(Jan-Dec)} MC_{avg} ) \div 12$$

where:

$AC_{avg}$  = calendar year average concentration (mg/L) (parameter codes 792 and 794)

$MC_{avg}$  = monthly average concentration (mg/L) as reported on the Nutrient General Permit DMR

For Total Phosphorus, all daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

For Total Nitrogen (TN), if none of the daily concentration data for the respective species (i.e. TKN, Nitrates/Nitrites) are equal to or above the QL for the respective analytical methods used, the daily

concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

11. **Suspension of Concentration Limits for E3/E4 Facilities**

The annual average concentration limitations for Total Nitrogen and/or Total Phosphorus are suspended during any calendar year in which the facility is considered by DEQ to be a participant in the Virginia Environmental Excellence Program in good standing at either the Exemplary Environmental Enterprise (E3) level or the Extraordinary Environmental Enterprise (E4) level, provided that the following conditions have also been met:

- a. The facility has applied for (or renewed) participation, been accepted, maintained a record of sustained compliance and submitted an annual report according to the program guidelines;
- b. The facility has demonstrated that they have in place a fully implemented environmental management system (EMS) with an alternative compliance method that includes operation of installed nutrient removal technologies to achieve the annual average concentration limitations, and
- c. The E3/E4 designation from DEQ and implementation of the EMS has been in effect for the full calendar year.

The annual average concentration limitations for Total Nitrogen and/or Phosphorus, as applicable, are not suspended in any calendar year following a year in which the facility failed to achieve the annual average concentration limitations as required by b. above.

12. **Closure Plan**

If the permittee plans an expansion or upgrade to replace the existing treatment works, or if facilities are permanently closed, the permittee shall submit to the DEQ Piedmont Regional Office a closure plan for the existing treatment works. The plan shall address the following information as a minimum: Verification of elimination of sources and/or alternate treatment scheme; treatment, removal and final disposition of residual wastewater and solids; removal/demolition/disposal of structures, equipment, piping and appurtenances; site grading, and erosion and sediment control; restoration of site vegetation; access control; fill materials; and proposed land use (post-closure) of the site. The plan should contain proposed dates for beginning and completion of the work. The plan must be approved by the DEQ prior to implementation.

13. **Effluent Monitoring Frequencies**

If the facility permitted herein is issued a Notice of Violation (NOV) for any of the parameters listed below, then all of the following effluent monitoring frequencies shall become effective upon written notice from DEQ and shall remain in effect until permit expiration.

<u>Effluent Parameter</u>	<u>Monitoring Frequency (Baseline)</u>
cBOD <sub>5</sub>	5 Days per Week
Ammonia as N (November – May)	5 Days per Week
Ammonia as N (June – October)	5 Days per Week

D. Pretreatment Program

The permittee's pretreatment program has been approved. The program is an enforceable part of this permit. The permittee shall:

1. Implement a pretreatment program that complies with the Clean Water Act, Water Control Law, State regulations, and the approved program.
2. Submit to the DEQ Piedmont Regional Office an annual report that describes the permittee's program activities over the previous year. The annual report shall be submitted no later than January 31 of each year and shall include:
  - a. An updated list of the Significant Industrial Users\* (SIUs) noting all of the following:
    - (1) facility address (mailing and physical), phone and contact name, title and email;
    - (2) explanation of SIUs deleted from the previous year's list;
    - (3) identify which Industrial Users (IUs) are subject to Categorical Standards and note which Standard (ie. metal finishing);
    - (4) specify which 40 CFR part(s) is/are applicable;
    - (5) indicate which IUs are subject to local standards that are more stringent than Categorical Pretreatment Standards;
    - (6) indicate which IUs are subject only to local requirements;
    - (7) identify which IUs are subject to Categorical Pretreatment Standards that are subject to reduced reporting requirements under 9 VAC 25-31-840 E.3;
    - (8) identify which IUs are non-significant Categorical Industrial Users;
    - (9) applicable Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes.
  - b. A summary of the compliance status of each Significant Industrial User with pretreatment standards and permit requirements.
  - c. A summary of the number and types of Significant Industrial User sampling and inspections performed by the Publically Owned Treatment Works (POTW).
  - d. All information concerning any interference, upset, VPDES permit or Water Quality Standards violations directly attributable to Significant Industrial Users and enforcement actions taken to alleviate said events.
  - e. A description of all enforcement actions taken against Significant Industrial Users during the reporting period.
  - f. A summary of any changes to the submitted pretreatment program that have not been previously reported to the DEQ Piedmont Regional Office.
  - g. A summary of the permits issued to Significant Industrial Users since the last annual report.
  - h. POTW and self-monitoring results for Significant Industrial Users determined to be in significant non-compliance during the reporting period.
  - i. Results of the POTW's influent/effluent/sludge sampling, not previously submitted to DEQ.
  - j. Copies of newspaper publications of all Significant Industrial Users in significant noncompliance that are published during the reporting period.
  - k. Signature of an authorized representative.
3. Submit any changes to the approved pretreatment program to the DEQ Piedmont Regional Office and obtain approval before implementation of the changes.
4. Ensure all Significant Industrial Users' permits are issued and reissued in a timely manner and that the Significant Industrial Users' permits issued by the POTW are effective and enforceable.
5. Inspect and sample all Significant Industrial Users at a minimum of once a year.
  - a. Sampling shall include all regulated parameters, and shall be representative of the wastewater discharged. All Significant Industrial Users requiring sampling shall be sampled at the end of any categorical process and at the entrance to the treatment works.

- b. Inspection of the Significant Industrial Users shall cover all areas which could result in wastewater discharge to the treatment works including all manufacturing, chemical storage, pretreatment facilities, spill prevention and control procedures, hazardous waste generation and Significant Industrial User's self-monitoring and records.
        - c. If an industry claims a no discharge status, a certification of the no discharge status shall be submitted to the Control Authority 30 days following the status change; no later than 90 days following the receipt of the no discharge status certification, the Control Authority shall terminate the pretreatment permit or modify the pretreatment permit to incorporate a clause ensuring that the Control Authority receives timely and proper notification in the event of an episodic or unforeseen discharge to the POTW. This notification shall allow sampling to occur if the industrial user discharges to the Control Authority; additionally, the modified permit shall include a requirement to notify the Control Authority 90 days prior to reverting from a no discharge status to a discharging status. Documentation to support the disposition of waste or wastewater shall be available to the Control Authority or Approval Authority upon request or during inspections. The no discharge status certification shall be submitted annually to the Control Authority. The status of the no discharge industries shall be reported with the supporting information in the Control Authority's annual report. This certification may satisfy the sampling requirements of Part I.D.5.a above.
6. Implement the reporting requirements of Part VII of the VPDES Permit Regulation.
7. Review the existing Enforcement Response Plan (ERP) to ensure it meets state and federal regulatory requirements and notify the DEQ Piedmont Regional Office, in writing no later than 90 days following the effective date of this permit, whether it is still accurate and complete. If the ERP is no longer accurate and complete, a revised ERP shall be submitted for approval to the DEQ Piedmont Regional Office no later than 90 days following the effective date of this permit. The approved ERP is an enforceable part of this permit and shall be implemented.
8. Develop local limits or reevaluate local limits using current influent, effluent and sludge monitoring data and submit the data and results of the evaluation to the DEQ Piedmont Regional Office no later than one year following the effective date of this permit.
9. Ensure that adequate resources are available to implement the approved program.
10. Meet all public participation requirements and annually public notice Significant Industrial Users in significant non-compliance with pretreatment standards and requirements for the previous 12 months, or since publication of the previous annual public notice, whichever is longer.
11. No later than 180 days following the effective or modification date of this permit, submit to the DEQ Piedmont Regional Office a survey of all Industrial Users discharging to the POTW. The information shall be submitted to the POTW on the DEQ's Discharger Survey Form or an equivalent form that includes the quantity and quality of the wastewater. Survey results shall include the identification of significant industrial users of the POTW. In lieu of the survey, the permittee may elect to develop, submit for DEQ Piedmont Regional Office approval, and implement a plan to survey (using internal work processes and systems controls), on pre-established intervals throughout the term of this permit, the industrial community in their jurisdiction; if an alternative plan is developed, the permittee shall submit the plan to the DEQ Piedmont Regional Office for approval 90 days after the effective date of this permit.
12. The DEQ may require the POTW to institute changes to its pretreatment program:
  - a. If implementation of the approved program is determined by DEQ to not meet the requirements of the Clean Water Act, Water Control Law or State regulations;
  - b. If problems such as pass-through, interference, water quality standards violations, or sludge contamination develop or continue; or
  - c. If federal, state, or local requirements change.

**\*A Significant Industrial User is one that:**

- a. Has an average flow of 25,000 gallons or more per day of process\*\* wastewater;
- b. Contributes a process waste stream which makes up 5.0-percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- c. Is subject to the categorical pretreatment standards; or
- d. Has significant impact, either singularly or in combination with other Significant Dischargers, on the treatment works or the quality of its effluent.

\*\*Excludes sanitary, non-contact cooling water and boiler blowdown.

**E. Whole Effluent Toxicity Limitations and Monitoring Requirements**

1. The Whole Effluent Toxicity (WET) Limitation of 3.8 TU<sub>c</sub> (NOEC = 27%) in Part I.A shall become effective no later than four (4) years following the effective date of this permit as specified in Part I.H – Schedule of Compliance.
2. Within the first calendar quarter following the effective date of this limitation, the permittee shall conduct quarterly chronic toxicity tests using 24-hour flow-proportioned composite samples of final effluent from Outfall 001.

The chronic test to use is:

Chronic 7-Day Static Renewal Survival and Growth Test using *Pimephales promelas*

These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the “No Observed Effect Concentration” (NOEC) for survival and reproduction. The test endpoint (limit) must be represented by a dilution, and if other than 100%, should be bracketed by at least one dilution above and one dilution below it. Results which cannot be determined (i.e. a “less than” NOEC value) are not acceptable, and a retest will have to be performed. A retest of a non-acceptable test must be performed during the same compliance period as the test it is replacing. Express the test NOEC as TU<sub>c</sub> (Chronic Toxic Units), by dividing 100/NOEC for DMR reporting. The IC<sub>25</sub> should be included on the submitted test reports. A copy of the toxicity test results shall be submitted to the DEQ Piedmont Regional Office.

Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

3. The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to specific parameters.

F. Sewage Sludge Limitations and Monitoring Requirements

During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage sewage sludge according to the approved Sludge Management Plan. The pollutants in sewage sludge shall be limited and monitored as specified below:

1. **Annual Sludge Production Data (to be reported on the DMR labeled Outfall SP1)**  
Report annual total amount of sludge produced, in dry metric tons, including units and annual amount of sludge used or disposed in various methods.
2. **Chemical Pollutant Limitations (to be reported on the DMR labeled Outfall SO1)**

SLUDGE CHARACTERISTICS	LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE [mg/kg] <sup>(a)</sup>	CEILING CONCENTRATION MAXMIUM [mg/kg] <sup>(a)</sup>	FREQUENCY	SAMPLE TYPE
Percent Solids	NL	NA	1 per 2 Months	Composite
Total Arsenic	41	75	1 per 2 Months	Composite
Total Cadmium	39	85	1 per 2 Months	Composite
Total Copper	1500	4300	1 per 2 Months	Composite
Total Lead	300	840	1 per 2 Months	Composite
Total Mercury	17	57	1 per 2 Months	Composite
Total Molybdenum	NA	75	1 per 2 Months	Composite
Total Nickel	420	420	1 per 2 Months	Composite
Total Selenium	100	100	1 per 2 Months	Composite
Total Zinc	2800	7500	1 per 2 Months	Composite

“NL” means no limitation is established; however, monitoring and reporting are required. “NA” means not applicable.

(a) Dry weight basis, unless otherwise stated.

3. **Pathogen Reduction Limitations**

Class B, Alternative 2, Lime Stabilization – Sufficient lime shall be added to the sewage sludge to raise the pH of the sewage sludge to 12 after two (2) hours of contact, 9 VAC 25-31-710 D 5.

4. **Vector Attraction Reduction Limitations**

The permittee shall comply with one of the applicable vector attraction reduction alternatives specified in 9 VAC 25-31-720 B.

5. All samples shall be collected and analyzed in accordance with the approved Operation and Maintenance (O&M) Manual.

G. Additional Sewage Sludge Requirements or Special Conditions

1. **Sludge Reopener**

The Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

2. **Sludge Use and Disposal**

The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ approval 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.

3. **Recordkeeping Special Conditions for Land Application of Sewage Sludge**

The permittee is required to retain the following information for at least five (5) years:

- a. The concentrations of each pollutant in Part I.F.2;
- b. A description of how the pathogen reduction requirements in Part I.F.3 are met;
- c. A description of how vector attraction reduction requirements in Part I.F.4 are met;
- d. A description of how the management practices specified in the approved Sludge Management Plan and/or this permit are met;
- e. A description of how the site restrictions specified in the approved Sludge Management Plan and/or this permit are met;
- f. The following certification statement:  
 "I certify, under penalty of law, that the information that will be used to determine compliance with the pathogen requirements in 9 VAC 25-31-710 B, vector attraction reduction requirement in 9 VAC 25-31-720 B 6, the management practices in 9 VAC 25-31-550, and the site restrictions in 9 VAC 25-31-710 B 5 was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

4. **Reporting Requirements for Land Application of Sewage Sludge**

The permittee shall provide the results of all monitoring performed in accordance with Part I.F and appropriate certifications not later than February 19 of each year to the DEQ Piedmont Regional Office. Each report is for the previous calendar year's activity. If no sewage sludge was applied to the land during the reporting period, "no sewage sludge was applied" shall be reported.

H. Schedule of Compliance

1. The permittee shall achieve compliance with the Whole Effluent Toxicity (WET) limitation in Part I.A in accordance with the following schedule:

1. Prepare Progress Reports	Annually from the effective date of this permit.
2. Achieve Compliance with Final Effluent Limitation	No later than four (4) years following the effective date of this permit.

2. No later than fourteen (14) calendar days following the dates identified in Part I.H.1, above, the permittee shall submit to the DEQ Piedmont Regional Office, either a report of progress or, in the



case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Upon completion of the compliance schedule in Part I.H.1, above, Whole Effluent Toxicity (WET) shall be limited and monitored as specified in Parts I.A and I.E of this permit.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

**DEQ - Piedmont Regional Office  
4949-A Cox Road  
Glen Allen, VA 23060**

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit. Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I 1 if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.
3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

**NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (804) 527-5020 or fax (804) 527-5106. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.**

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
    - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
    - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

- 1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- 2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II K 1;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - c. The written authorization is submitted to the Department.
- 3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new

authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant

performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.
2. Notice
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.
3. Prohibition of bypass.
  - a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
    - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (3) The permittee submitted notices as required under Part II U 2.
  - b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;

- b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in Part II I; and
  - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

- 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

- 1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
- 2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.



Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.